

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

STEVEN SLAVENS, FRANK
SLAVENS, and KEVIN LEVY,
individually and as representatives of a
class of participants and beneficiaries on
behalf of the Meritor 401(k) Plan,

Plaintiffs,

v.

MERITOR, INC., the BOARD OF
DIRECTORS OF MERITOR, INC., the
MERITOR INC. EMPLOYEE BENEFITS
COMMITTEE, MIKE LEI, TIMOTHY
HEFFRON, and JOHN DOES 1-30,

Defendants.

Case No. 2:20-cv-13047

Hon. Stephen J. Murphy, III

Mag. Anthony P. Patti

**PLAINTIFFS' UNOPPOSED MOTION TO AMEND AWARD OF
LITIGATION EXPENSES**

Plaintiffs Steven Slavens, Frank Slavens and Kevin Levy (collectively, "Named Plaintiffs"), by and through Edelson Lechtzin LLP and Fink Bressack PLLC (collectively, "Class Counsel"), respectfully move the Court for an Order amending the award of litigation expenses entered by the Court on April 14, 2022 (Dkt. 34). Pursuant to E.D. Mich. LR 7.1(a), counsel for Plaintiffs communicated with counsel for Defendants regarding the relief sought herein. Defendants do not oppose Plaintiffs' Motion.

Dated: April 15, 2022

/s/ David Fink
David Fink (P28235)
Nathan Fink (P75185)
FINK BRESSACK PLLC
38500 Woodward Avenue
Suite 350
Bloomfield, MI 48304
Tel: (248) 971-2500
dfink@finkbressack.com
nfink@finkbressack.com

Eric Lechtzin (Fed. Bar 62096PA)
Marc Edelson (*pro hac vice*)
EDELSON LECHTZIN LLP
411 S. State Street, Suite N-300
Newtown, PA 18940
Tel: (215) 867-2399
elechtzin@edelson-law.com;
medelson@edelson-law.com

Attorneys for Plaintiffs

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BENEFITS COMMITTEE, MIKE
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**PLAINTIFFS' MEMORANDUM IN SUPPORT OF PLAINTIFFS'
UNOPPOSED MOTION TO AMEND AWARD OF LITIGATION
EXPENSES**

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CONCISE STATEMENT OF ISSUES PRESENTED

1. Whether the Court should amend its award of reimbursement of litigation expenses.

CONTROLLING OR MOST APPROPRIATE AUTHORITY

Pursuant to Local Rule 7.1(c)(2), Plaintiffs list the following authority as the most appropriate for the relief sought in their motion:

- *Blum v. Stenson*, 465 U.S. 886 (1984); and
- *Marshall v. Northrop Grumman Corp.*, No. 16-CV-6794 AB (JCX), 2020 WL 5668935 (C.D. Cal. Sept. 18, 2020)

Plaintiffs Steve Slavens, Frank Slavens, and Kevin Levy (“Named Plaintiffs”), by and through Edelson Lechtzin LLP and Fink Bressack PLLC (“Class Counsel”), respectfully move the Court for an Order amending the award of litigation expenses entered by the Court on April 14, 2022 (Dkt. 34).

I. INTRODUCTION

By Orders entered on April 14, 2022, this Court granted final approval of the Settlement of the instant Class Action (Dkt. 35), and granted Plaintiffs’ motion for awards of attorney’s fees, litigation expenses, and service awards to the class representative.¹ (Dkt. 34).

Pertinent to the instant motion, the Court awarded Class Counsel reimbursement of reasonable litigation expenses in in the amount of \$5,248.98. *Id.* at PageID.1120. At the final approval hearing on April 12, 2022, Class Counsel advised the Court that they had incurred \$1,061.18 of additional litigation-related expenses in travelling to the hearing.

For the reasons set forth below, Class Counsel suggests that such expenses are reasonable and should be approved by the Court. Concurrently filed with this motion is a [Proposed] Agreed Upon Order to Amend Plaintiffs’ Awards of Expenses, which grants the relief requested herein.

¹ Capitalized terms not otherwise defined herein shall have the same meaning ascribed to them in the Settlement Agreement.

II. THE COURT SHOULD AWARD THE REQUESTED EXPENSES

Included in the total negotiated amount are Class Counsel's hard costs – representing amounts that have already been advanced out of pocket by Class Counsel. This arrangement underscores the nature of the risk undertaken by Class Counsel and further justifies the award of the entire negotiated amount contemplated in the Settlement Agreement.

This Court may award reasonable expenses authorized by the parties' agreement. Fed. R. Civ. P. 23(h). Trial courts may determine what is reasonable based on an objective standard of reasonableness, *i.e.*, the prevailing market value of services rendered. *Blum v. Stenson*, 465 U.S. 886, 895 (1984).

Here, based on the Declaration filed contemporaneously herewith, Class Counsel requests reimbursement for common and routinely reimbursed litigation expenses incurred by Class Counsel in the amount of \$1,061.18. Declaration of Eric Lechtzin in Support of Plaintiffs' Motion to Amend Award of Litigation Expenses at ¶ 2. The expenses incurred prosecuting the complex class action include costs of travel such as airfare, rideshare services, parking, meals and similar expenses.² *Id.*

² "Expenses such as reimbursement for travel, meals, lodging, photocopying, long-distance telephone calls, computer legal research, postage, courier service, mediation, exhibits, documents scanning, and visual equipment are typically recoverable." *Marshall v. Northrop Grumman Corp.*, No. 16-CV-6794 AB (JCX), 2020 WL 5668935, at *9 (C.D. Cal. Sept. 18, 2020) (internal quotations and citations omitted).

These litigation expenses are typically billed by attorneys to hourly fee-paying clients, and are the actual expenses of these services, without any markup. Class Counsel maintains appropriate back-up documentation for each expense. *Id.* at ¶ 3.

The additional expenses related to Class Counsel's attendance at the April 12, 2022 hearing, as follows:

Airfare:	\$921.36 (American Airlines PHL to DTW)
Parking:	\$24.00 (PHL airport)
Parking:	\$12.00 (Courthouse)
Rideshare:	\$88.70 (Uber roundtrip to Courthouse)
<u>Meals:</u>	<u>\$15.12 (Atwater Brewery at DTW airport)</u>
Total:	\$1,061.18

Based on the foregoing, Class Counsel should be entitled to receive out of the Settlement Amount reimbursement of their reasonable expenses in the amount of **\$6,310.16**.

III. CONCLUSION

For the foregoing reasons, Class Counsel respectfully request that the Court grant Plaintiffs' motion, together with such other and further relief as to the Court may deem just and proper.

Dated: April 15, 2022

Respectfully submitted,

/s/ David H. Fink

David Fink (P28235)

Nathan Fink (P75185)

FINK BRESSACK PLLC

38500 Woodward Avenue

Suite 350

Bloomfield Hills, MI 48304

Tel: (248) 971-2500

dfink@finkbressack.com

nfink@finkbressack.com

Eric Lechtzin (Fed. Bar 62096PA)

Marc Edelson (*pro hac vice*)

EDELSON LECHTZIN LLP

411 S. State Street, Suite N-300

Newtown, PA 18940

Tel: (215) 867-2399

elechtzin@edelson-law.com

medelson@edelson-law.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2022, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Christopher J. Boran
Samuel D. Block
Morgan Lewis & Bockius LLP
110 N. Wacker Drive
Chicago, IL 60606
Tel: (312) 324-1000
christopher.boran@morganlewis.com
samuel.block@morganlewis.com

Brian T. Ortelere
Morgan Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
Tel: (215) 963-5150
brian.ortelere@morganlewis.com

s/ Nathan J. Fink

David Fink (P28235)

Nathan Fink (P75185)